

III. Remarks

Claims 1-23 were originally filed and remain pending in the present application. Claims 14-21 are canceled without prejudice to or disclaimer of the subject matter therein. New claims 24-31 are added. Reconsideration of this application in light of the above amendments and the following remarks is requested.

Applicants appreciate the Examiner and the Examiner's supervisor taking the time for the telephone interview on November 19, 2007. Generally, independent claims 1 and 14 were discussed in regard to the Mickel Patent (U.S. Patent No. 6,062,575). In particular, the understanding of claim terms requiring that the locking member be "movable with respect to the coupling shaft through a first path in a direction at least partially parallel to said longitudinal axis" or that the locking member be "moveable at least partially along the longitudinal axis from an unlocked position disposed substantially outside said internal passage and spaced from the proximal surface portion to a locked position spaced from the distal surface portion" were discussed. No exhibits were shown in the interview. No agreement was reached at the time of the interview.

§102 Rejections

Claims 1-23 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,062,575 to Mickel et al. ("the Mickel patent"). Claims 14-21 are canceled by the present paper.

The PTO provides in MPEP §2131 that

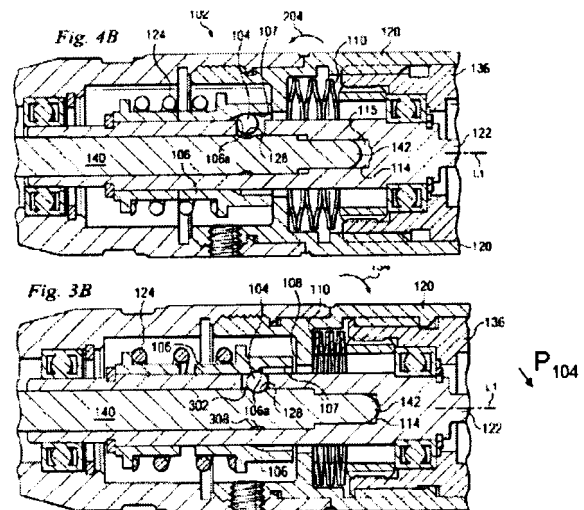
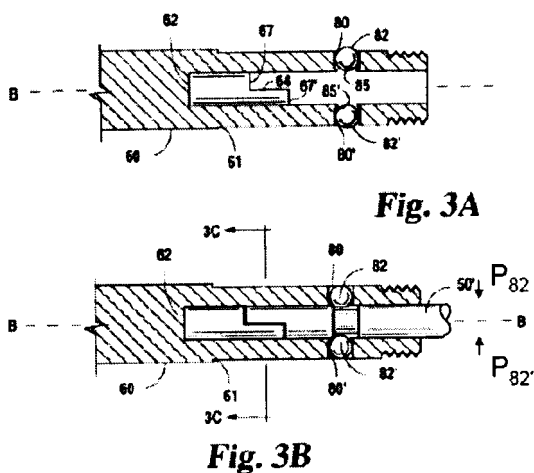
"[t]o anticipate a claim, the reference must teach every element of the claim . . ."

Therefore, to sustain the rejections of claims 1-23 the Mickel patent must teach all of the claimed elements of each claim.

With respect to independent claim 1, however, the Mickel patent at least fails to teach having "at least one locking member positioned adjacent said at least one aperture and **movable with respect to the coupling shaft through a first path in a direction at least partially**

parallel to said longitudinal axis into a locked position to prevent the medical dissection tool from moving along the longitudinal axis of the internal passage” It is clear from the explicit disclosure of the Mickel patent that the balls 82 and 82' are not moveable with respect to the driving shaft 60 through a path in a direction parallel to the longitudinal axis BB.

As described in the Mickel patent at Col. 6, line 36 through Col. 7, line 5, the balls 82 and 82' simply cannot move with respect to the driving shaft 60 along axis BB. Instead, the balls 82 and 82' are “free to move radially within substantially cylindrical walls 80, 80' respectively.” Col. 6, Lines 36-38. The cylindrical openings defined by walls 80 and 80' simply do not permit movement of the balls 82 and 82' with respect to the driving shaft 60 through a path parallel to axis BB. As shown in Figures 3A and 3B of Mickel, the openings defined by walls 80 and 80' have substantially the same width as balls 82 and 82'. Therefore, with respect to driving shaft 60 the balls 82 and 82' are limited to radial movement, *i.e.*, movement substantially transverse to axis BB. Clearly, the paths of the balls 82 and 82' with respect to the driving shaft 60 (as noted by P_{82} and $P_{82'}$) have no component parallel to the axis BB. Rather, the paths P_{82} and $P_{82'}$ are in a direction transverse to the axis BB. In contrast, as shown in applicants' Figs. 3b and 4b, the path of retention member 104 (as noted by P_{104}) through the elongated opening 302 includes a longitudinal component parallel to axis L1 as required by claim 1.



The Office Action asserts that “[s]ince the locking member [of the Mickel patent] is a sphere it can spin within the aperture, and is thus moving relative to the coupling shaft. This motion

would create a circular path, which includes motion that is at least partially parallel to the longitudinal axis since the circular path contains motion in 360 degrees.” However, it is clear that even if the balls 82, 82’ spin within the cylindrical walls 80, 80’—which Applicants can find no support for in the Mickel patent—the paths of the balls 82, 82’ are still along paths P_{82} and $P_{82’}$ that are transverse to the longitudinal axis BB and do not include a component parallel to axis BB. Whether the balls 82, 82’ spin or not, the paths P_{82} and $P_{82’}$ of the balls 82, 82’ are not parallel to the longitudinal axis. Accordingly, the balls 82 and 82’ are clearly not “movable with respect to the coupling shaft through a first path in a direction at least partially parallel to said longitudinal axis into a locked position” as required by claim 1.

For at least the reasons set forth above, the Mickel patent fails to teach all of the claimed elements of independent claim 1. Claims 2-13 depend from and further limit claim 1. With respect to claim 2, the Mickel patent also fails to disclose “wherein the aperture has a length extending substantially along the longitudinal axis and a width substantially transverse to the longitudinal axis, the length being greater than the width,” as recited. Rather, the Mickel patent discloses “the walls 80, 80’ of substantially cylindrical holes in which balls 82, 82’ respectively substantially reside.” Col. 6, Lines 15-17. Thus, for at least these reasons Applicants respectfully request that the §102 rejections of claims 1-13 over the Mickel patent be withdrawn.

Independent claim 22 requires “a means for locking the dissection tool to the coupling housing configured to move the dissection tool within the coupling housing along the longitudinal axis, wherein said means for locking is at least partially moveable along the longitudinal axis with respect to the coupling housing.” As shown above, the balls 82, 82’ are not moveable along the longitudinal axis with respect to driving shaft 60. The balls 82, 82’ are moveable with respect to driving shaft 60 only radially in a direction substantially perpendicular to the longitudinal axis BB. Further, any spinning of the balls 82, 82’ within the substantially cylindrical openings defined by walls 80, 80’ would not result in movement with respect to the driving shaft 60 along the longitudinal axis, as required. Rather, the balls 82, 82’ remain in a substantially fixed longitudinal position within the cylindrical walls 80, 80’. Thus, for at least these reasons the Mickel patent fails to disclose all of the claimed elements of claim 22.

Claim 23 depends from and further limits claim 22. Thus, Applicants respectfully request that the Examiner withdraw the §102 rejections of claims 22 and 23.

New Claims

New claims 24-31 are patentable over the Mickel patent and other cited references because each of the claims recites one or more combinations of elements that are not disclosed or suggested in the cited references.

For example, new independent claim 24 recites:

A coupling system for connecting a power source to a medical dissection tool, the coupling system comprising:

a coupling shaft having a proximal portion, an opposing distal portion, and a longitudinal axis extending therebetween, wherein a section of the distal portion comprises an external surface and an internal surface, the internal surface defining an internal passage for receiving a portion of the medical dissection tool,

the coupling shaft further comprising a first aperture extending from the external surface to the internal surface, the first aperture having a first length extending substantially along the longitudinal axis and a first width extending substantially transverse to the longitudinal axis, the first length being greater than the first width such that the first aperture is elongated along the longitudinal axis; and

a first locking member positioned at least partially within the first aperture and movable along the longitudinal axis with respect to the coupling shaft from an unlocked positioned to a locked position to secure the medical dissection tool within the internal passage.

Claims 25-31 depend from and further limit claim 24 including additional limitations and combinations not disclosed or suggested in the cited references. Accordingly, claims 24-31 are patentable over the cited references.

IV. Conclusion

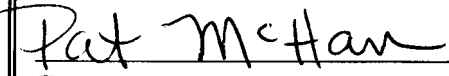
It is believed that all matters set forth in the Office Action have been addressed, and that pending claims 1-13 and 22-31 are in condition for allowance. An indication of the allowability of the claims is respectfully requested. Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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